

Application Ser. No. 10/748,968

REMARKS

1. Applicant thanks the examiner for her courtesy and assistance during an Interview, which was held on 6/21/05.
2. In view of the examiner's comments at item four of the above identified outstanding Office Action, Applicant has amended Claim 26 as noted by the examiner as being lacking in Applicant's previous response.
3. The examiner maintains her rejection of Claims 1-73, 76-94, and 96-110 under 35USC102(E) as being anticipated by Turnasella (U.S. patent application 2003/0145015).

In her "Response to Arguments," Item five on page 3 of the current outstanding Office Action, the examiner responds to six points raised by the Applicant in Applicant's previous response. Applicant's following remarks will address points one, two, and four of the Examiner's "Response to Arguments." With regard to points three and five, Applicant's lack of response, thereto, in this current submission should not be taken as an admission, tacit or otherwise, that Applicant agrees with the examiner's position. Accordingly, Applicant affirmatively reserves its right to address these points in a later submission, should the present submission be inadequate in the examiner's view to overcome the outstanding rejection.

Applicant now takes up the foregoing noted points in order beginning with point one.

The examiner has noted that the features upon which Applicant relied in item one, *i.e.*, a tailored survey specific to the person taking the survey, were not provided in the rejected claims. Responsive thereto, independent Claims 1,

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30, 63, and 92, now provide that, for example, the survey causes "a subsequent segment of said sequence of questions to be presented to said user, selection of said subsequent segment to be influenced by at least one of and answer received to a previously presented question in said sequence of questions . . ." (Claim 1). Similar limitations have been added to Claims 30, 63, and 92. As noted by Applicant in Applicant's previous submission, this feature is not found in Turnasella. Accordingly, each element of the claim not being found in the cited reference, the cited reference is not appropriately cited as destroying novelty under 35USC102(e).

With regard to item two, the examiner notes that features upon which the Applicant relies, *i.e.*, new affinity groups being created automatically and without intervention as a result of answers provided, are not provided in the rejected claims. Applicant has accordingly amended the independent claims. For example, Claim 1 now provides for "creating at least one new affinity group and associating said user profile with said new affinity group." Because the claimed method is a "computer implemented method," the new affinity groups are created automatically. Because Claim 63 is an apparatus claim, the step is automatically performed by the apparatus.

Finally, with regard to point four, the examiner has noted that the features upon which Applicant relies, *i.e.* allowing user who is already loaded into the system to generate or be exposed to a new affinity group, is not provided in the rejected claims. Again, applicant has amended the independent claims to recite this feature. For example, Claim 1 now recites:


"Associating said user profile with said new affinity group."

In the view of the foregoing and the accompanying amendments to the claims, at least three bases now exist in the claims for distinguishing the

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claimed invention from Turnasella, *i.e.* (1) a tailored survey specific to the person taking the survey is provided, (2) new affinity groups are automatically created without intervention as a result of answers provided, and (3) a user who is already loaded into the system is allowed to generate or to be exposed to, a new affinity group. Because Turnasella does not contain any of these features, among others that may not be present as well but which are not discussed by the Applicant at this point, a rejection for lack of novelty is deemed to be improper and Applicant respectfully requests that the examiner withdraw said rejection and allow the application to issue as U.S. letters patent. Should the examiner deem it helpful, she is encouraged to contact applicant's attorney, Michael A. Glenn, at (650) 474-8400.

Respectfully submitted,



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